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STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1998

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 2, 1998
and General Election, November 3, 1998

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1997-98 Regular Session
1997-98 First Extraordinary Session



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CHAPTER 829

An act to amend Sections 312, 6715, 16728, 22391, and 22443.1 of the Business and Professions Code, to amend Sections 1789.24, 1812.54, 1812.66, 1812.105, 1812.129, 1812.503, 1812.510, 1812.515, 1812.525, and 1812.600 of the Civil Code, to amend Sections 995.710 and 1279 of the Code of Civil Procedure, to amend Section 318 of the Corporations Code, to amend Sections 12511, 18342, and 19420 of the Education Code, to amend Sections 113, 126, 12302, 12402, 23600, 23713, 25004, 34460, 61230, 65584.3, 68083, and 68116 of the Government Code, to amend Sections 2224, 2226, 4739.5, 6501, 13830, 13876, 32137, 33102, and 34116 of the Health and Safety Code, to amend Sections 9626, 29728, 29731, and 30150 of the Public Resources Code, to amend Sections 7578, 11895, 22258, and 30205 of, and to repeal Sections 7579, 29254, 30944, and 100464 of, the Public Utilities Code, to amend Section 27123 of the Streets and Highways Code, to amend Sections 30321.5, 30322, 30323, 31006, 34501, and 71598 of, and to repeal Section 34503 of, the Water Code, and to amend Sections 10 and 10.2 of Chapter 545 of the Statutes of 1943, relating to the Secretary of State, and making an appropriation therefor.

[Approved by Governor September 24, 1998. Filed with
Secretary of State September 25, 1998.]

The people of the State of California do enact as follows:

SECTION 1. Section 312 of the Business and Professions Code is amended to read:

312. The director shall submit to the Governor and the Legislature during the month of December prior to each regular session of the Legislature a full and accurate report of the activities of the department relating to consumer affairs and an evaluation of the consumer programs of each state agency. The report shall include recommendations, when appropriate, for legislation that will protect and promote the interests of consumers.

The required evaluation of the consumer programs of each state agency shall include, but is not limited to, comment with respect to the scope, effectiveness, and efficiency of the consumer programs within each agency as well as deficiencies noted in the coordination, administration, or enforcement of the programs.

The director shall include within the report information regarding his or her experience in obtaining and disseminating information with respect to information available from other departments of the state.

SEC. 2. Section 6715 of the Business and Professions Code is amended to read:

6715. The executive officer shall keep a complete record of all applications for registration and the board's action thereon and, once

Ventura. The effective date of the resolution shall not be earlier than January 1, 1996.

(b) Upon the effective date of the resolution adopted pursuant to subdivision (a), the name of the Santa Paula Union High School Public Library District shall be the Blanchard/Santa Paula Library District.

(c) The governing board shall consist of five members, each of whom shall be a registered voter residing within the library district.

(d) Except for the initial board, members appointed pursuant to paragraph (1) of subdivision (f), and members described in subdivision (h), of the governing board shall hold office for a fixed term of four years, beginning on the last Friday in November next succeeding their appointment or election.

(e) Within 60 days after filing with the County Clerk of the County of Ventura of the resolution adopted pursuant to subdivision (a), the Board of Supervisors of the County of Ventura shall appoint the initial governing board of the library district. The appointments shall be made from the membership of the Library Commission of the Santa Paula Union High School Public Library District.

(f) The first board of trustee shall, at their first meeting, so classify themselves by lot that their terms shall expire:

(1) Two on the last Friday in November of the first even-numbered calendar year succeeding his or her appointment.

(2) Three on the last Friday of November of the second succeeding even-numbered calendar year.

(g) The district shall continue to receive revenues, including apportioned property taxes and authorized special taxes as if it were still the Santa Paula Union High School Public Library District. There shall be no change in district powers or responsibilities.

(h) Notwithstanding any other provision of law, those persons elected to the board of trustees in 1997 shall hold office for a fixed five-year term.

SEC. 22. Section 19420 of the Education Code is amended to read:

19420. Within 30 days after the filing with the county clerk or county board of supervisors of the resolution declaring the organization of the district, the supervising board of supervisors shall appoint the required number of library trustees from the district at large.

SEC. 23. Section 113 of the Government Code is amended to read:

113. The Legislature of California hereby consents to the retrocession of jurisdiction by the United States of land within this state upon and subject to each and all of the following express conditions:

(a) The United States must in writing have requested state acceptance of retrocession, and unless there is an officer of the United States empowered by a United States statute to cede jurisdiction, the

request shall be by the act of Congress. The retrocession may return all jurisdiction to the state or may provide for concurrent jurisdiction.

(b) When the conditions of subdivision (a) have been found and declared to have occurred and to exist, by the State Lands Commission, the commission shall hold a hearing to determine whether acceptance of the retrocession is in the best interests of the state. Notice of the hearing shall be published pursuant to Section 6061 in each county in which the land or any part of the land is situated and a copy of the notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of the hearings.

(c) The determination of the State Lands Commission shall be final and jurisdiction accepted shall become effective when certified copies of its orders or resolutions have been recorded in the office of the county recorder of each county in which any part of the land is situated. The State Lands Commission shall keep copies of its orders or resolutions and make them available to the public upon request.

SEC. 24. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California hereby cedes concurrent criminal jurisdiction to the United States within land held by the United States upon and subject to each and all of the following express limitations, conditions, and reservations, in addition to any other limitations, conditions, or reservations prescribed by law:

(a) The lands must be held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation, and extension of national forests under the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act," or for any other federal purposes.

(b) The cession must be pursuant to and in compliance with the laws of the United States.

(c) The United States must in writing have requested the state to cede concurrent criminal jurisdiction within such land and subject to each and all of the conditions and reservations in this section and in Section 7 of Article X of the Constitution prescribed.

(d) The State Lands Commission is authorized for the state to cede concurrent criminal jurisdiction to the United States, upon having found and declared that the conditions and reservations prescribed in subdivisions (a), (b), (c), and (g) have occurred and exist and that the cession is in the interest of the state. Certified copies of its orders or resolutions making these findings and declarations shall be recorded in the office of the county recorder of each county in which any part of the land is situated. The State Lands Commission shall keep copies of its orders or resolutions and make them available

to the public upon request. The purposes for which concurrent criminal jurisdiction is ceded shall be specified in and made a part of the orders or resolutions.

(e) Jurisdiction ceded pursuant to this section continues only so long as the land continues to belong to the United States and is held by it for the purpose for which jurisdiction is ceded in accordance and in compliance with each and all of the limitations, conditions, and reservations in this section prescribed, or for five years, whichever period is less.

(f) "Land held by the United States", as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, (3) leaseholds acquired by the United States over private lands or state-owned lands, and (4) any other lands owned by the United States including, but not limited to, public domain lands that are held for a public purpose.

(g) In ceding concurrent criminal jurisdiction, the Legislature and the state reserve jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

(h) In ceding concurrent criminal jurisdiction, the Legislature and the state except and reserve to the state all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove the deposits from the land.

(i) Concurrent criminal jurisdiction shall vest when certified copies of the State Lands Commission's orders or resolutions, making such finding or declaration, have been recorded in the office of the county recorder of each county in which any part of the land is situated.

The finding and declaration of the State Lands Commission provided for in subdivision (d) shall be made only after a public hearing. Notice of the hearing shall be published pursuant to Section 6061 in each county in which the land or any part of the land is situated and a copy of the notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of the hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with Sections 10680 to 10685, inclusive, of the Fish and Game Code.

SEC. 25. Section 12302 of the Government Code is amended to read: